

REMARKS

**Status of Claims:**

Claims 1-22 were pending in the application at the time of the Office Action. Claims 1, 9, 10 and 22 are currently amended. Claims 2 and 11 are cancelled herein without prejudice. Accordingly, by this amendment, claims 1, 3-10 and 12-22 are pending in the application for examination.

**Prior Art Rejections:**

Claims 1-13 and 16-22 stand rejected under 35 U.S.C. 103 as unpatentable over Watanabe et al. (U.S. Patent No. 6,157,947) in view of Stiles et al. (U.S. Patent No. 6,393,490) in view of Parthesarathy et al. (U.S. Patent No. 6,353,926). Further, claim 14 stands rejected under 35 U.S.C. 103 as unpatentable over Watanabe in view of Stiles and Parthesarathy and further in view of Fitzpatrick et al. (U.S. Patent No. 5,438,658). Finally, claim 15 stands rejected under 35 U.S.C. 103 as unpatentable over Watanabe in view of Stiles and Parthesarathy and further in view of Fitzpatrick and Smirnov et al. (U.S. Patent No. 6,321,133).

The examiner's rejections are respectfully traversed.

In order to better differentiate Applicant's invention from the prior art, Applicant has amended independent claim 1 to recite, in part:

a eighth step of transmitting said reply information only to (1) other user clients and other developer clients who have already acquired said at least one of said functional units and (2) other user clients and other developer clients who have acquired a right to acquire said at least one of said functional units and have not yet acquired said at least one of said functional units[.]

As previously explained in Applicant's communication dated January 20, 2005, and responsive to the Office Action dated October 20, 2004, Watanabe at column 19, lines 22-29, and in Fig. 23 indicates only that all of the users of the system who satisfy a "mailing condition" will receive the updated information. As also previously explained, Watanabe

does not disclose what the “mailing condition” is and how it is applied. Thus, Watanabe does not disclose that only those users who have already received the functional unit and other users who have acquired a right to receive the functional unit and have not yet acquired the functional unit will be automatically notified of the reply information. Stiles does not supply the noted features missing from Watanabe.

Parthesarathy discloses that, at install time of an application, a user is prompted to subscribe to a corresponding software update channel (see Abstract). Once the user subscribes to the software update channel, the user’s computer periodically checks via the software update channel whether a new software update is available (see Col. 6, lines 3-6, and steps 102 and 104 in FIG. 3). When a new software update is detected, the software update channel sends notifications to indicate that the new software update is available (see Abstract). In sum, subscribing to the software update channel precedes receipt of notifications sent by the software update channel (see relative positions of steps 102 and 110 in FIG. 3).

Parthesarathy also discloses that subscription to the software update channel need not be performed at the time of installation but rather can be performed at another time following the installation (see Col. 8, lines 6-10). However, Parthesarathy does not disclose or suggest subscribing to the software update channel at a time preceding the installation. Thus, it follows that installation of the application must, to at least some degree, precede subscription to the software update channel. Because the installation step must precede the subscription step and because, as explained in the paragraph above, the subscription step must precede the receipt of notifications, the installation step must therefore precede the receipt of notifications. In other words, the user must install the application before the software update channel can send notifications to the user indicating that the new software update is available.

As explained above, Parthesarathy discloses that notifications are sent to a user who has already installed the application. However, notifications are not sent to a user who has acquired a right to install the application but has not yet installed the application. Therefore, Parthesarathy does not disclose or suggest transmitting notifications only to (1) other user clients and other developer clients who have already acquired said at least one of said

functional units and (2) other user clients and other developer clients who have acquired a right to acquire said at least one of said functional units and have not yet acquired said at least one of said functional units. At least for the reasons explained, claim 1 is deemed to be patentable over Watanabe in view of Stiles and Parthesarathy.

Also at least for the reasons explained, it is believed that independent claims 9, 10 and 22, as amended herein, are deemed to be patentable over the cited references.

At least by virtue of their dependency from independent claim 1, claims 3-8 are deemed to be patentable over the cited references.

At least by virtue of their dependency from independent claim 10, claims 12-21 are deemed to be patentable over the cited references.

### **Conclusions**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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